

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ALABAMA
NORTHERN DIVISION**

IN THE MATTER OF:
Jeremy Brandon McDonald

CASE NO. 24-80494-CRJ-13

CHAPTER 13

SSN XXX-XX-2888

DEBTOR

TRUSTEE'S MOTION TO DISMISS

COMES NOW, Michele T. Hatcher, the Trustee in the above styled case, and states:

1. The Debtor filed for relief under Chapter 13 of the U.S. Bankruptcy Code on March 18, 2024 with the first plan payment due April 17, 2024. The Debtor failed to commence plan payments and is currently in default \$10,100 through April 2024.
2. The proposed Plan payments are not sufficient to liquidate non-exempt equity to meet the best interest of creditors test set forth in Section 1325(a)(4). Plan payments must increase to \$11,024 per month beginning June 2024 with fixed payments adjusted accordingly. The Debtor's monthly disposable income is \$10,060 per month as stated in his schedules. Based upon this information, the Trustee alleges the Debtor's proposed Chapter 13 Plan is not feasible.
3. The Plan does not comply with Section 1325(b)(1)(B) in that the Debtor is not proposing to pay all of his disposable income and is not paying interest to the unsecured creditors. The Debtor failed to disclose all sources of income, specifically rental income as well as self-employment income for the Debtor's non-filing spouse.
4. The deposits reflected on the Debtor's bank statements are not consistent with the income reported on Schedule I, and neither are consistent with the Debtor's testimony at the Section 341 meeting of creditors. Further, the income reported on Official Form 122C is also at variance with all other disclosures of income, and Official Form 122C fails to report all household income and fails to report gross and net business income. The Trustee is unable to determine the Debtor's true business and household income, and the Debtor failed to provide evidence to support the amount of income reported on Schedule I and Official Form 122C, specifically twelve (12) monthly profit and loss statements from the Debtor's business.
5. The schedules filed by the Debtor are incomplete. The Statement of Financial Affairs does not report the gross amount of income the Debtor received during year 2024 pursuant to Question 4.
6. The proposed fixed monthly payments provided for on the Debtor's Plan fail to amortize the secured claims during the term of the Plan.
7. The Debtor failed to schedule household expenses on Schedule J for two (2) ongoing mortgage payments.

WHEREFORE, the Trustee moves that the subject case be dismissed.

Done this 25th day of April, 2024.

/s/ Michele T. Hatcher
Michele T. Hatcher, Trustee
P.O. Box 2388
Decatur, AL 35602-2388
256-350-0442

CERTIFICATE OF SERVICE

I hereby certify that on the 25th day of April, 2024, I have served a copy of the foregoing on the parties listed below by depositing the same in the United States Mail, postage prepaid and properly addressed, or if the party being served is a registered participant in the CM/ECF System for the United States Bankruptcy Court for the Northern District of Alabama, service has been made by a "Notice of Electronic Filing" pursuant to FRBP 9036 in accordance with subparagraph II.B.4 of the Court's Administrative Procedures.

Jeremy Brandon McDonald
124 County Road 248
Cullman, AL 35057

RICHARD L COLLINS
COLLINS & ASSOCIATES
PO BOX 669
CULLMAN, AL 35056

/s/ Michele T. Hatcher
Michele T. Hatcher, Trustee